

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Elaine E. Bucklo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 CR 107	DATE	2/25/2009
CASE TITLE	U.S.A. vs. Skrobot, et al		

DOCKET ENTRY TEXT

As orally ordered at the pretrial conference held on February 24, 2009, Christopher Marchetti's motion for severance [318] the trial of Christopher Marchetti is severed from the trial of the defendants scheduled for next week. Mr. Marchetti's trial will be with co-defendant James Green, trial to begin on April 20, 2009. Time before that is excluded for trial preparation under 18 U.S.C. sec. 3161 and pursuant to agreement by counsel. A final pretrial conference as to these two defendants will be held on April 10, 2009 at 1:00 p.m. Other orders with respect to the trial of Green and Marchetti are as stated at pretrial conference on February 24. With respect to the trial of Donald Thomas, Joseph Miller, John Lewis and Alonzo Braziel, trial is scheduled to begin at 9:30 a.m. on March 3, 2009. Jury selection will follow the procedure discussed in court. The government's consolidated motions in limine ([261] and motion to file motion in excess of 15 pages [265] are granted. The government's motion to admit statements by co-conspirators (267) is granted. The government's statement satisfies its burden of proof. The government's motion to dismiss count 4 of the indictment [298] is granted. The parties shall submit an amended statement of the case by 4 p.m., February 27, 2009. Defendant Braziel's objection to the government's intent to offer evidence pursuant to Rule 902(11) of the Federal Rules of Evidence is overruled. The certificates are sufficient. *U.S. v. Adefehinti*, 510 F.3d 319, 324-26 (D.C. Cir. 2007). The government's petition to admit the testimony of Lisa Kristie at trial (304) is denied for the reasons stated at the pretrial conference. The government's motion to admit evidence under Fed. R. Evid. 404(b) as to Alonzo Braziel [259] is granted. I have reviewed the plea in the prior case. The government has satisfied its burden with respect to a matter in issue other than propensity, in this case intent; the prior act is sufficiently similar in time -- 1999 -- to the acts charged in this case -- December, 2004 and early 2005; given the guilty plea no question exists as to whether Mr. Braziel committed the earlier act; and the probative value of the evidence is not outweighed by unfair prejudice. Joseph Miller's motion to proceed in forma pauperis is granted. The government's motion in limine to introduce defendants' statements [305] is granted as discussed at the pretrial conference. The government shall promptly file its brief in support of motion to amend the indictment.

Notices mailed by Judicial staff.

Courtroom Deputy Initials:	SB
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